

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x Civil No. 07 CIV 4853

RICO FERRO and ANGELINA S. FERRO,

Plaintiffs,

**MOTION FOR ENLARGEMENT  
OF TIME**

- against -

SHUTTLE AMERICA CORPORATION,  
d/b/a UNITED EXPRESS, and  
REPUBLIC AIRWAYS HOLDINGS INC.,

Defendants.

----- x

Defendants Shuttle America Corporation and Republic Airways Holdings, Inc., by and through their undersigned counsel, respectfully requests a 45 day enlargement of the deadlines set forth in the Court's order dated January 15, 2008. A copy of the January 15, 2008 order is annexed hereto.

A proposed order enlarging the deadlines by 45 days is also annexed hereto.

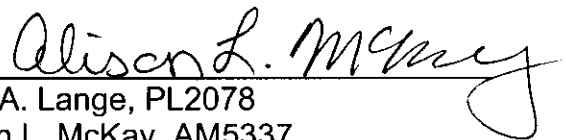
An enlargement of time is necessary because Defendants recently sent out subpoenas to all of Plaintiff's medical providers and haven't received responses from all providers. Therefore, Defendants would like to receive all of the Plaintiff's medical records before conducting further discovery, including but not limited to additional interrogatories or taking depositions.

Plaintiff has no objection to the request.

This is Defendants first request for enlargement of time concerning the Court's order dated January 15, 2008.

Dated: July 2, 2008

SHUTTLE AMERICA CORPORATION  
and REPUBLIC AIRWAYS HOLDINGS  
INC.

By:   
Paul A. Lange, PL2078  
Alison L. McKay, AM5337  
Law Offices of Paul A. Lange, LLC  
80 Ferry Boulevard  
Stratford, CT 06615-6079  
(203) 375-7724  
(203) 375-9397 (fax)

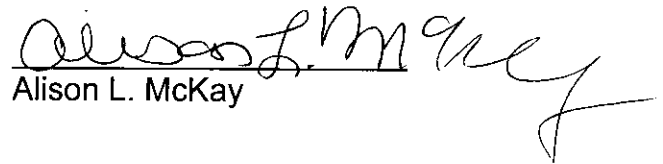
**DECLARATION OF SERVICE**

Alison L. McKay, an attorney duly admitted *pro hac vice* to practice before the United States District Court in and for the Southern District of New York, states the following under penalty of perjury:

1. I am counsel to Defendant SHUTTLE AMERICA CORPORATION, d/b/a UNITED EXPRESS, and REPUBLIC AIRWAYS HOLDINGS INC., in this action;
2. That on this 2<sup>nd</sup> day of July, 2008, I served the Defendants' Motion to Enlarge Deadlines via ECF Filing on;

Robert J. Spragg, Esq.  
100 Park Avenue  
New York, NY 10017

3. I declare under the penalty of perjury that the foregoing is true and correct.

  
Alison L. McKay

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
RICO FERRO and ANGELINA S. FERRO,

07 Civ. 4853 (SCR)

Plaintiffs,

v.

**CIVIL CASE DISCOVERY PLAN  
AND SCHEDULING ORDER**

SHUTTLE AMERICA CORPORATION, d/b/a  
UNITED EXPRESS and REPUBLIC AIRWAYS  
HOLDINGS, INC.,

Defendants.  
-----X

The following Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel for the parties, pursuant to Rules 26(f) and 16 of the Federal Rules of Civil Procedure. **(Note: all proposed dates are weekdays).**

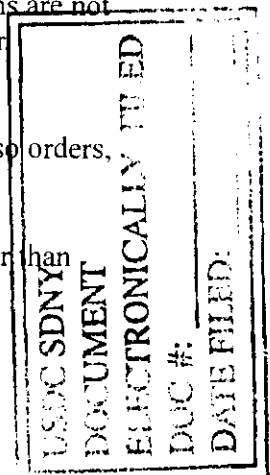
The case is to be tried to a jury.

Joinder of additional parties must be accomplished by December 21, 2007.

Amended pleadings may be filed until December 21, 2007.

**Discovery:**

1. Interrogatories are to be served by all counsel no later than November 28, 2007, and responses to such interrogatories shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 shall not apply to this case.
2. First request for production of documents, if any, to be served no later than November 28, 2007.
3. Depositions to be completed by August 4, 2008.
  - a. Unless counsel agree otherwise or the Court so orders, depositions are not to be held until all parties have responded to any first requests for production of documents.
  - b. Depositions shall proceed concurrently.
  - c. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.
4. Any further interrogatories, including expert interrogatories, to be served no later than July 2, 2008.



5. Requests to Admit, if any, to be served no later than July 2, 2008.
6. Additional provisions relating to discovery agreed upon by counsel for the parties are as follows:
  - a. Deadline for Plaintiffs to serve expert reports: September 15, 2008
  - b. Deadline for Defendants to serve expert reports: October 27, 2008
  - c. Deadline for Plaintiffs to serve rebuttal expert reports: November 7, 2008
  - d. Deadline for Defendants to serve rebuttal expert reports: November 21, 2008
  - e. Deadline to complete depositions of Plaintiffs' experts: January 6, 2009
  - f. Deadline to complete depositions of Defendants' experts: February 5, 2009
7. All discovery, including expert discovery, is to be completed by February 5, 2009.

Initial Case Management Conference - April 4, 2008 at 10:00 a.m.

Joint Pretrial Order is required only if counsel for all parties agree that it is desirable, or the Court so orders.


This case has been designated to the Hon. Mark D. Fox, United States Magistrate Judge at White Plains, for discovery disputes if the Court is "unavailable" and for trial under 28 U.S.C. § 636(c) if counsel execute their consent in writing.

Unless otherwise ordered by the Court, the parties are expected to commence discovery upon the receipt of this signed Scheduling Order.

Strict compliance with the trial readiness date will be required. This Plan and Order may not be changed without leave of the Court, except that upon signing a Consent for Trial Before a United States Magistrate Judge, the Magistrate Judge will establish an agreed date certain for trial and will amend this Plan and Order to provide for trial readiness consistent with that agreed date.

Dated: White Plains, NY  
~~December~~  
*January 15,* 2007

SO ORDERED

  
\_\_\_\_\_  
Stephen C. Robinson, U.S.D.J.

<p>UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK</p> <p>-----X</p> <p>RICO FERRO and ANGELINA S. FERRO,</p> <p>Plaintiffs,</p> <p>v.</p> <p>SHUTTLE AMERICA CORPORATION, d/b/a UNITED EXPRESS and REPUBLIC AIRWAYS HOLDINGS, INC.,</p> <p>Defendants.</p> <p>-----X</p>	<p>07 Civ. 4853 (SCR)</p> <p><b><u>AMENDED CIVIL CASE DISCOVERY PLAN AND SCHEDULING ORDER</u></b></p>
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The following Amended Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel for the parties, pursuant to Rules 26(f) and 16 of the Federal Rules of Civil Procedure. This Amended Civil Case Discovery Plan and Scheduling Order, agreed to between the parties, seeks to extend all deadlines, not including those previously expired, by 45 days. **(Note: all proposed dates are weekdays).**

The case is to be tried to a jury.

Joinder of additional parties must be accomplished by December 21, 2007.

Amended pleadings may be filed until December 21, 2007.

**Discovery:**

1. Interrogatories are to be served by all counsel no later than November 28, 2007, and responses to such interrogatories shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 shall not apply to this case.
2. First request for production of documents, if any, to be served no later than November 28, 2007.
3. Depositions to be completed by September 18, 2008.
  - a. Unless counsel agree otherwise or the Court so orders, depositions are not to be held until all parties have responded to any first requests for production of documents.
  - b. Depositions shall proceed concurrently.
  - c. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.

4. Any further interrogatories, including expert interrogatories, to be served no later than August 18, 2008.
5. Requests to Admit, if any, to be served no later than August 18, 2008.
6. Additional provisions relating to discovery agreed upon by counsel for the parties are as follows:
  - a. Deadline for Plaintiffs to serve expert reports: October 30, 2008
  - b. Deadline for Defendants to serve expert reports: December 11, 2008
  - c. Deadline for Plaintiffs to serve rebuttal expert reports: December 22, 2008
  - d. Deadline for Defendants to serve rebuttal expert reports: January 5, 2009
  - e. Deadline to complete depositions of Plaintiffs' experts: February 20, 2009
  - f. Deadline to complete depositions of Defendants' experts: March 23, 2009
7. All discovery, including expert discovery, is to be completed by March 23, 2009.

Case Management Conference – September 5, 2008 at 10:00 a.m.

Joint Pretrial Order is required only if counsel for all parties agree that it is desirable, or the Court so orders.

This case has been designated to the Hon. Mark D. Fox, United States Magistrate Judge at White Plains, for discovery disputes if the Court is "unavailable" and for trial under 28 U.S.C. § 636(c) if counsel execute their consent in writing.

Unless otherwise ordered by the Court, the parties are expected to commence discovery upon the receipt of this signed Scheduling Order.

Strict compliance with the trial readiness date will be required. This Plan and Order may not be changed without leave of the Court, except that upon signing a Consent for Trial Before a United States Magistrate Judge, the Magistrate Judge will establish an agreed date certain for trial and will amend this Plan and Order to provide for trial readiness consistent with that agreed date.

Dated: White Plains, NY  
July \_\_\_\_, 2008

SO ORDERED

Stephen C. Robinson, U.S.D.J.